

**IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF DELAWARE**

In re:

W.R. GRACE & CO., et al.,

Debtors.

Chapter 11

Case No. 01-1139 (JKF)

(Jointly Administered)

OFFICIAL COMMITTEE OF ASBESTOS  
PERSONAL INJURY CLAIMANTS, et al.,

Plaintiffs,

v.

SEALED AIR CORPORATION and  
CRYOVAC, INC.,  
Defendants.

Adv. Proc. No. 02-2210 (JKF)

Objection Date: April 19, 2010 at 4:00 p.m.

Hearing Date: May 3, 2010 at 10:30 a.m.

**TWELFTH QUARTERLY FEE APPLICATION REQUEST  
OF FERRY, JOSEPH & PEARCE, FOR APPROVAL  
AND ALLOWANCE OF COMPENSATION FOR SERVICES  
RENDERED AND REIMBURSEMENT OF EXPENSES AS COUNSEL TO THE  
OFFICIAL COMMITTEE OF ASBESTOS PROPERTY DAMAGE CLAIMANTS  
FOR THE PERIOD OF APRIL 1, 2005 THROUGH MAY 31, 2005**

Name of Applicant:

Ferry, Joseph & Pearce, P.A.

Authorized to provide  
professional services to:

Official Committee of Asbestos  
Property Damage Claimants

Date of retention:

April 18, 2001

Period for which compensation and  
reimbursement is sought:

April 1, 2005 through May 31, 2005

Amount of compensation sought  
as actual reasonable and necessary:

\$2,544.00

Amount of expense reimbursement  
sought as actual reasonable and  
necessary:

\$4,874.05

This is an:  X  interim \_\_\_\_ final application

This is the Twelfth quarterly application filed in the District Court for the captioned adversaries.

**CUMULATIVE SUMMARY OF MONTHLY APPLICATIONS FOR THE PERIOD**  
**April 1, 2005 through May 31, 2005**

<b>Date Filed; Docket No.</b>	<b>Total Fee Requested</b>	<b>Total Expenses Requested</b>	<b>Cert. of No Objection Date Filed; Docket No.</b>	<b>Amount of Fees Paid/ To Be Paid (80%)</b>	<b>Amount of Expenses Paid/ To Be Paid (100%)</b>	<b>Amount of Holdback Fees Sought</b>
5/23/05; 743	\$1,596.00	\$4,874.05	6/14/05 #746	\$1,276.80	\$4,874.05	\$319.20
6/8/05; 8697	\$948.00	\$0.00	6/29/05; 8709	\$758.40	\$0.00	\$189.60
<b>TOTAL</b>	<b>\$2,544.00</b>	<b>\$4,874.05</b>	<b>N/A</b>	<b>\$2,035.20</b>	<b>\$4,874.05</b>	<b>\$508.80</b>

ATTACHMENT "B"**CUMULATIVE SUMMARY OF COMPENSABLE TIME OF PROFESSIONALS:**

Name of professional person	Position of the Applicant, Number of Years with Firm, Prior Relevant Experience, Year of Obtaining License to Practice, Area of Expertise	Hourly Billing Rate	Total Billed Hours	Total Compensation
Michael B. Joseph	Partner, 25, Various, 1976, Bankruptcy	\$ 300.00	\$ 0.00	\$0.00
Theodore J. Tacconelli	Partner, 13, Various, 1988, Bankruptcy, Commercial Litigation	\$ 240.00	\$ 2.90	\$696.00
Rick S. Miller	Partner, 6, 1995, Various, Bankruptcy, General Litigation	\$ 225.00	\$ 1.50	\$337.50
Lisa L. Coggins	Associate, 3.5, 2002, Bankruptcy, General Practice	\$ 165.00	\$ 0.70	\$115.50
Steven G. Weiler	Associate, 1, 2004, Bankruptcy, General Practice	\$ 150.00	\$ 1.10	\$165.00
Andrea L. Del Collo	Paralegal, 1.5, 2003	\$ 100.00	\$ 12.30	\$1,230.00
Grand Total:			\$ 18.50	\$2,544.00
Blended Rate:				\$137.50

**CUMULATIVE COMPENSATION SUMMARY BY PROJECT CATEGORY:**

<b>Project Category</b>	<b>Total Hours for the Interim Period</b>	<b>Total Fees for the Interim Period</b>
Case Administration	1.80	\$387.00
Fee Applications, Others	1.20	\$148.00
Fee Applications, Applicant	13.10	\$1,514.00
Litigation and Litigation Consulting	1.30	\$312.00
Fraudulent Conveyance Adversary Proceeding	0.90	\$135.00
Employment Applications, Others	0.20	\$48.00
<b>Total:</b>	<b>18.50</b>	<b>\$2,544.00</b>

**CUMULATIVE EXPENSE SUMMARY:**

<b>Expense Category</b>	<b>Total Expenses for the Interim Period</b>
Facsimile (\$1.00 per page)	\$0.00
In-House Reproduction	\$16.20
Outside Reproduction	\$0.00
Courier & Express Carriers	\$4,853.60
Postage	\$4.25
Web Pacer	\$0.00
Document Imaging/Scanning	\$0.00
Service Supplies	\$0.00
<b>Total</b>	<b>\$4,874.05</b>

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RENDERED AND REIMBURSEMENT OF EXPENSES AS COUNSEL TO THE  
OFFICIAL COMMITTEE OF ASBESTOS PROPERTY DAMAGE CLAIMANTS  
FOR THE PERIOD OF APRIL 1, 2005 THROUGH MAY 31, 2005**

Ferry, Joseph & Pearce, P.A. (the "Applicant"), counsel to the Official Committee of Asbestos Property Damage Claimants ("PD Committee") of the above-captioned debtors (the "Debtors") and the plaintiffs in the captioned adversaries pending in this Court, hereby submits its twelfth quarterly fee application request (the "Request") pursuant to 11 U.S.C. §§ 330 and 331 for approval and allowance of compensation for services rendered and for reimbursement of expenses incurred in connection therewith, respectfully represents as follows:

**I. Introduction**

1. Applicant, as counsel to the PD Committee, seeks (i) approval and allowance, pursuant to Section 331 of the Bankruptcy Code of compensation for the professional services rendered by Applicant as counsel for the PD Committee from April 1, 2005 through May 31,

2005 (the "Twelfth Quarterly Fee Period") in the aggregate amount of \$2,544.00 representing 18.50 hours of professional services and (ii) reimbursement of actual and necessary expenses incurred by the Applicant during the Twelfth Quarterly Fee Period in connection with the rendition of such professional services in the aggregate amount of \$4,874.05.

2. This Court has jurisdiction over this application pursuant to 28 U.S.C. §§ 157 and 1334. Venue is proper in this district pursuant to 28 U.S.C. §§ 1408 and 1409.

## **II. Background**

3. On April 2, 2001, each of the Debtors filed voluntary petitions for reorganization under Chapter 11 of the Bankruptcy Code. The Debtors continue to operate its business and manage their properties as a debtor-in-possession pursuant to Sections 1107(a) and 1108 of the Bankruptcy Code. The Debtors' Chapter 11 cases have been procedurally consolidated and are being jointly administered. No trustee or examiner has been appointed in this case.

4. On April 12, 2001, the United States Trustee formed the PD Committee. Thereafter, the PD Committee approved the retention of Applicant as its counsel.

5. By order dated June 21, 2001 (the "Retention Order"), the Court authorized the PD Committee to retain the Applicant nunc pro tunc to April 9, 2001, pursuant to 11 U.S.C. §§ 1103 and 328, on a general retainer basis, to represent the PD Committee in the Consolidated Cases.

6. On or about February 20, 2002, the Court authorized the PD Committee and the Official Committee of Asbestos Personal Injury Claimants (the "PI Committee") to commence the captioned adversary proceedings. Thereafter, the Court entered its July 10, 2002 order withdrawing the reference to the Bankruptcy Court with respect to fees and costs incurred in the captioned adversary proceedings. However, on January 13, 2005, the District Court referred jurisdiction of the Sealed Air Settlement and "any related proceedings" back to this Court.

7. This is the Twelfth Quarterly Fee Application request that the Applicant has filed with the Court for an allowance of compensation and reimbursement of expenses for services

rendered to the PD Committee in the captioned adversary proceedings. Previously, the Applicant has filed with the Court three monthly Fee Applications that are the subject of this Request, which are summarized as follows:

Date Filed; Docket No.	Period Covered	Fees Requested	Expenses Requested	Objections
5/23/05; 743	4/1/05-4/30/05	\$1,596.00	\$4,874.05	N/A
6/8/05; 8697	5/1/05-5/31/05	\$948.00	\$0.00	N/A
N/A	N/A	\$2,544.00	\$4,874.05	

8. Applicant has received no payment and no promise for payment from any source for services rendered in connection with these cases. There is no agreement or understanding between Applicant and any other person for the sharing of compensation to be received hereunder.

9. As stated in the Certification of Theodore J. Tacconelli, Esquire, attached hereto as Exhibit "A," all of the services for which compensation is sought herein were rendered for and on behalf of the PD Committee solely in connection with these cases.

### **III. Summary of Services Rendered**

10. Applicant's services throughout the Twelfth Quarterly Fee Period have been valuable to the PD Committee and the plaintiffs in providing advice and counsel.

11. In accordance with the Administrative Fee Order and the Local Rules, a summary sheet of the attorneys and their corresponding names, year of admission, hourly rates and the number of hours incurred by each is set forth on Attachment B. The hourly rates reflect what Applicant generally charges its other clients for similar services. The itemizations including identification of services performed by the attorneys sorted by date and time keeper are attached hereto as Exhibit "B." The itemizations also contain a statement of Applicant's disbursements, necessarily incurred in the performance of Applicant's duties as counsel to the PD Committee.

12. Applicant has worked closely with the PD Committee's primary counsel, Bilzin Sumberg Baena Price & Axelrod, LLP, to avoid unnecessary duplication of services.

#### **IV. Conclusion**

13. Applicant has necessarily and properly expended 18.50 hours of services in the performance of its duties as counsel to the PD Committee during the Twelfth Quarterly Fee Period. Such services have a fair market value of \$2,544.00. The work involved and thus the time expended, was carefully assigned in light of the expertise required for each particular task.

14. In addition, Applicant incurred actual out-of-pocket expenses in connection with the rendition of services to the PD Committee in the sum of \$4,874.05 for which it respectfully requests reimbursement in full.

15. Applicant charges \$.15 per page for in-house photocopying services. Applicant charges the actual cost from the vendor for out-sourced photocopying and document retrieval, and computerized legal research. Applicant charges \$1.00 per page for out-going facsimile transmissions, and does not charge for in-coming facsimiles.

16. Applicant has reviewed the requirements set forth in Local Rule 2016-2 and believes that this application for quarterly compensation complies therewith.

17. Applicant has made no prior application in this or any other Court for the relief sought herein.

WHEREFORE, Applicant respectfully requests pursuant to the Administrative Fee Order: a) the approval and allowance, pursuant to section 331 of the Bankruptcy Code of compensation for professional services rendered to the PD Committee during the Twelfth Quarterly Fee Period of April 1, 2005 through May 31, 2005 in the amount of \$2,544.00 b) the approval and allowance of Applicant's out-of-pocket expenses incurred in connection with the



rendition of such services during the Twelfth Quarterly Fee Period of April 1, 2005 through May 31, 2005 in the amount of \$4,874.05; and c) such other relief as the Court deems just.

Date: March 29, 2010

FERRY, JOSEPH & PEARCE, P.A.

/s/ Theodore J. Tacconelli

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Theodore J. Tacconelli (#2678)

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